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March 18, 2025

VIA ECF

Hon. Katherine Polk Failla
United States District Judge
U.S. District Court
Southern District of New York
40 Foley Square
New York, NY 10007

Re: ***Chakma, et al, v. Sushi Katsuei Inc. et al.* 23-cv-7804 (KPF)**

Dear Judge Failla:

We represent Plaintiffs and the Fed. R. Civ. P. Rule 23 class and subclass in the above-referenced matter. We write in response to Defendants' letter motion for an extension of time to produce the class list which was filed on the day the class list was due and five weeks after the Court Ordered Defendants to produce the list. Plaintiffs respectfully request that the Court deny that extension request and Order Defendants to produce the class list no later than this Friday March 21, 2025 or face sanctions. In making this request, Plaintiffs respectfully note that this is now Defendants third time requesting an extension of a Court Ordered deadline in this matter either on the day of the deadline or after the deadline passed. *See* ECF Nos. 32, 47, 61.

Briefly, on February 7, 2025, the Court certified this case a class action and Ordered Defendants to produce to Plaintiffs the class list on or before March 15, 2025, *i.e.*, within five weeks of the class being certified. *See* ECF No. 60 at 35. On March 14, 2025, Defendants' counsel emailed the undersigned to request additional time to produce the list. Yesterday, the undersigned responded to Defendants' request for an accommodation and informed them that Plaintiffs would not oppose a request by Defendants to produce the list on or before this Friday March 21, 2025. In response, to our proposed accommodation, Defendants' responded that their client needs an additional month, until April 14, 2025, to produce the list.

Defendants' failure to already produce this information in the five weeks the Court allotted them and their claim that they now need another month to produce it is outrageous. To be sure, the information the Court Ordered Defendants to produce, namely, "employees names, dates of

employment, last known addresses, and last known phone numbers[,]" is straightforward and easily ascertainable from Defendants' payroll records. *See* ECF No. 60 at 35. This information can be easily gleaned by any of the individual Defendants or their managerial/HR employees and obviously does not require nine weeks to produce. Moreover, based on documents Defendants produced in discovery, it appears that the class is very small, comprising less than 80 individuals at the time Plaintiffs motion for class certification was filed. *See* ECF No. 38 at ¶¶ 10, 11. Accordingly, Plaintiffs respectfully request that Court order Defendants to comply with its February 7, 2025 Order no later than Friday March 21, 2025 or face a daily sanction for every day that a complete and accurate list is not produced. E.g., *De La Cruz v. Broadway Food Mart Inc.*, No. 22-cv-10403 (AT) (JW), 2024 U.S. Dist. LEXIS 63146, at *4 (S.D.N.Y. Apr. 5, 2024) ("Defendants are directed to produce such list by April 18, 2024 […]. Failure to comply with this Court's order could result in sanctions pursuant to Fed. R. Civ. P. 37.").

Lastly, Defendants' request to extend the March 31, 2025 deadline by which the parties are expected to submit a joint letter concerning next steps in the case is nonsensical. There is no reason that a discussion about next steps in this case needs to be further pushed out and Plaintiffs respectfully request that that extension request be similarly denied.

We thank the Court for its attention to this matter.

Respectfully submitted,

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cc: All Counsel of Record (via ECF)

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